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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
YOUNG, JOHN L

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 07/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/520,798	Rothkopf
Examiner	**Art Unit**
John Young	3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Apr 23, 2002* .

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-13, 15-21, and 23-25* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-13, 15-21, and 23-25* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

FINAL REJECTION

STATUS OF THE CLAIMS

1. Claims 14 & 22 have been canceled by Applicant.

2. Claims 1-7, 10, 19 & 24 have been amended.

DRAWINGS

3. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM OBJECTION—37CFR 1.75

4. Objection Withdrawn.

CLAIM REJECTION—35 U.S.C. 112 ¶1 (NEW MATTER)

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making

and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-7 as amended are rejected under 35 U.S.C. 112, first paragraph, as containing new matter.

As per independent claim 1, said claim is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter (i.e., new matter) which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. (See claim 1 at line 6). "A visitor parameter storage" per se was not described as such in the specificaiton or drawings and cannot be found in the specification or drawings by the Examiner. Please show where "a visitor parameter storage" is described in the specification and designated in the drawings.

Dependent claims 2-7 are rejecteds for the same reasons as claim 1 because said claims depend from claim 1 or intervening base claims which depend from claim 1.

CLAIM REJECTIONS —35 U.S.C. §103(a)

6. **Rejections Maintained.**

REVISED 35 U.S.C. §103(a) REJECTIONS

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Independent claims 1, 10 & 19 and dependent claims 2-9, 11-13, 15-18 & 20-21 & 23-25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Leason et al. 6,251,017 (6/26/2001) [US f/d: 4/21/1999] (herein referred to as "Leason") in view of Reed et al. 5,862,325 (1/19/1999) (herein referred to as "Reed").

As per claim 1, Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) shows elements that suggest "An electronic commerce apparatus for offering a promotional award to a visitor of an electronic commerce site, comprising: a connection to a distributed communication network; at least one promotional awards storage area, including a customer identifier storage and an award amount storage; and an awards rule storage; wherein said visitor is granted a promotional award upon visiting said electronic commerce site, said promotional award amount being controlled by an awards rule contained in said awards rule storage, and said promotional award amount being stored in said promotional awards storage area."

Leason lacks an explicit recitation of all of the elements and limitations of claim 1,

even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same. It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35): *"The present invention is an improvement over conventional promotional games and lotteries in that it provides . . . an incentive to visit a designated [Internet] site or service. . . . The customer is rewarded for visiting the designated [Internet] site(s) with a benefit that can be redeemed. . . .* [or] *awarded with a number of e-points. . . . The e-points are exchangeable for limited access to predetermined sites or services on the [Internet]. . . . players validate their e-point awards or register their validation codes. . . . at the time of e-point redemption. . . ."* would have been selected in accordance with the elements and limitations of claim 1 because such selection would have provided *"an incentive to visit a designated [Internet] site or service. . . . The customer is rewarded for visiting the designated [Internet] site(s) with a benefit that can be redeemed. . . .* [or] *awarded with a number of e-points. . . ."* (See Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35)).

Leason lacks an explicit recitation of:

unique identification information for each visitor to said site, and a visitor parameter storage that contains information pertaining to prior viits to said site by visitors identified in said customer

identifier storage; and an awards rule storage that stores rules for crediting awards to visitors of said site according to informatin stored in said visitor parameter storage. . . . retrieving visitor parameter information from said visitor parameter storage corresponding to customer identification information stored in said customer identifier storage in response to visitor identification information provided to said apparatus upon visitor acess to said site, and applying retrieved visitor parameter information to award crediting rules retrieved frm said awards rule storage.

Reed (col. 6, ll. 48-67; col. 7, ll. 1-10; col. 78, ll. 25-67; col. 82, ll. 36; the ABSTRACT; FIG. 1; FIG. 3; FIG. 7; FIG. 11; FIG. 15; FIG. 20; FIG. 34A; and FIG. 35) in view of Leason shows elements that suggest:

unique identification information for each visitor to said site, and a visitor parameter storage that contains information pertaining to prior viits to said site by visitors identified in said customer identifier storage; and an awards rule storage that stores rules for crediting awards to visitors of said site according to informatin stored in said visitor parameter storage. . . . retrieving visitor parameter information from said visitor parameter storage

corresponding to customer identification information stored in said customer identifier storage in response to visitor identification information provided to said apparatus upon visitor acess to said site, and applying retrieved visitor parameter information to award crediting rules retrieved frm said awards rule storage.

Reed proposes parameter storage modifications that would have applied to the lottery reward system of Leason. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Reed with the teachings of Leason because such combination would have provided means *"to automate control of underlying communication operations. . . ."* (see Reed (col. 9, ll. 30-33)), and because such combination would have provided means *"for encourging a customer to go online and visit one or more designated [I]nternet sites. . . ."* (see Leason (col. 2, ll. 30-33)), and such selection would have provided "*a method in which rewards are distributed to players with a code that permits them to validate the reward online, and if the reward is in the form of access to otherwise restricted [Internet] sites or services, to redeem the reward online."* (See Leason (col. 2, ll. 1-6)).

As per claim 2, Leason in view of Reed shows the system of claim 1.

Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) shows elements that suggest the elements and limitations of

claim 2.

Leason lacks an explicit recitation of "wherein said visitor parameter storage comprises a number of previous visits storage that stores a number corresponding to the total number of visits to said site by a particular visitor, and wherein said awards rule storage stores an awards rule that determines a specific promotional award based on a number of previous visits to said site bvy a visitor as stored in said number of previous visits storage. . . ." even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) would have been selected in accordance with "wherein said visitor parameter storage comprises a number of previous visits storage that stores a number corresponding to the total number of visits to said site by a particular visitor, and wherein said awards rule storage stores an awards rule that determines a specific promotional award based on a number of previous visits to said site bvy a visitor as stored in said number of previous visits storage. . . ." because such selection would have provided means *"to automate control of underlying communication operations. . . ."* (see Reed (col. 9, ll. 30-33)), and because such combination would have provided means *"for encourging a customer to go online and visit one or more designated [I]nternet sites. . . ."* (see Leason (col. 2, ll. 30-33)), and such selection would have provided "*a method in which rewards are distributed to players with a code that*

permits them to validate the reward online, and if the reward is in the form of access to otherwise restricted [Internet] sites or services, to redeem the reward online." (See Leason (col. 2, ll. 1-6)).

As per claim 3, Leason in view of Reed shows the system of claim 1.

Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) in view of Reed (col. 6, ll. 48-67; col. 7, ll. 1-10; col. 78, ll. 25-67; col. 82, ll. 36; the ABSTRACT; FIG. 1; FIG. 3; FIG. 7; FIG. 11; FIG. 15; FIG. 20; FIG. 34A; and FIG. 35) shows elements that suggest the elements and limitations of claim 3.

Leason lacks an explicit recitation of "wherein said visitor parameter storage comprises an awart time storage that stores a time of a last award to a particular visitor, and wherein said awards rule storage stores an awards rule that determines a specific promotional award based on whether a predetermined time period has elapsed since said last award. . . ." even though Leason in view of Reed suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) would have been selected in accordance with "wherein said visitor parameter storage comprises an awart time storage that stores a time of a last award to a particular visitor, and wherein said awards rule storage stores an awards rule that determines a specific promotional award based on

whether a predetermined time period has elapsed since said last award. . . ." because such selection would have provided means *"to automate control of underlying communication operations. . . ."* (see Reed (col. 9, ll. 30-33)), and because such combination would have provided means *"for encourging a customer to go online and visit one or more designated [I]nternet sites. . . ."* (see Leason (col. 2, ll. 30-33)), and such selection would have provided "*a method in which rewards are distributed to players with a code that permits them to validate the reward online, and if the reward is in the form of access to otherwise restricted [Internet] sites or services, to redeem the reward online."* (See Leason (col. 2, ll. 1-6)).

As per claim 4, Leason in view of Reed shows the system of claim 1.

Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) in view of Reed (col. 6, ll. 48-67; col. 7, ll. 1-10; col. 78, ll. 25-67; col. 82, ll. 36; the ABSTRACT; FIG. 1; FIG. 3; FIG. 7; FIG. 11; FIG. 15; FIG. 20; FIG. 34A; and FIG. 35) shows elements that suggest the elements and limitations of claim 4.

Leason lacks an explicit recitation of "wherein said visitor parameter storage comprises an award amount storage that stores a cumulative total value of awards credited to a particular visitor, and wherein said awards rule storage stores an awards rule that determines a specific promotional wared based on the cumulative total award value stored in said award amount storage. . . ." even though Leason in view of Reed suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) would have been selected in accordance with "wherein said visitor parameter storage comprises an award amount storage that stores a cumulative total value of awards credited to a particular visitor, and wherein said awards rule storage stores an awards rule that determines a specific promotional wared based on the cumulative total award value stored in said award amount storage. . . ." because such selection would have provided means *"to automate control of underlying communication operations. . . ."* (see Reed (col. 9, ll. 30-33)), and because such combination would have provided means *"for encourging a customer to go online and visit one or more designated [I]nternet sites. . . ."* (see Leason (col. 2, ll. 30-33)), and such selection would have provided "*a method in which rewards are distributed to players with a code that permits them to validate the reward online, and if the reward is in the form of access to otherwise restricted [Internet] sites or services, to redeem the reward online."* (See Leason (col. 2, ll. 1-6)).

As per claim 5, Leason in view of Reed shows the system of claim 4.

Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) in view of Reed (col. 6, ll. 48-67; col. 7, ll. 1-10; col. 78, ll. 25-67; col. 82, ll. 36; the ABSTRACT; FIG. 1; FIG. 3; FIG. 7; FIG. 11; FIG. 15; FIG. 20; FIG. 34A; and FIG. 35) shows elements that suggest the elements and limitations of

claim 5.

Leason lacks an explicit recitation of "wherein said award amount rule ocntains a predetermined promotional award limit. . . ." even though Leason in view of Reed suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) would have been selected in accordance with "wherein said award amount rule ocntains a predetermined promotional award limit. . . ." because such selection would have provided means *"to automate control of underlying communication operations. . . ."* (see Reed (col. 9, ll. 30-33)), and because such combination would have provided means *"for encourging a customer to go online and visit one or more designated [I]nternet sites. . . ."* (see Leason (col. 2, ll. 30-33)), and such selection would have provided "*a method in which rewards are distributed to players with a code that permits them to validate the reward online, and if the reward is in the form of access to otherwise restricted [Internet] sites or services, to redeem the reward online.*" (See Leason (col. 2, ll. 1-6)).

As per claim 6, Leason in view of Reed shows the system of claim 5.

Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) in view of Reed (col. 6, ll. 48-67; col. 7, ll. 1-10; col. 78, ll. 25-67; col. 82, ll. 36; the ABSTRACT; FIG. 1; FIG. 3; FIG. 7; FIG. 11; FIG. 15; FIG.

20; FIG. 34A; and FIG. 35) shows elements that suggest the elements and limitations of claim 6.

Leason lacks an explicit recitation of "wherein said award limit is reset to zero when said visitor makea a purchase form said site. . . ." even though Leason in view of Reed suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) would have been selected in accordance with "wherein said award limit is reset to zero when said visitor makea a purchase form said site. . . ." because such selection would have provided means *"to automate control of underlying communication operations. . . ."* (see Reed (col. 9, ll. 30-33)), and because such combination would have provided means *"for encourging a customer to go online and visit one or more designated [I]nternet sites. . . ."* (see Leason (col. 2, ll. 30-33)), and such selection would have provided "*a method in which rewards are distributed to players with a code that permits them to validate the reward online, and if the reward is in the form of access to otherwise restricted [Internet] sites or services, to redeem the reward online."* (See Leason (col. 2, ll. 1-6)).

As per claim 7, Leason in view of Reed shows the system of claim 2.

Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) in view of Reed (col. 6, ll. 48-67; col. 7, ll. 1-10; col. 78, ll.

25-67; col. 82, ll. 36; the ABSTRACT; FIG. 1; FIG. 3; FIG. 7; FIG. 11; FIG. 15; FIG. 20; FIG. 34A; and FIG. 35) shows elements that suggest the elements and limitations of claim 7.

Leason lacks an explicit recitation of "wherein said promotional award according to said awards rule increases with successive visits by said visitor. . . ." even though Leason in view of Reed suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) would have been selected in accordance with "wherein said promotional award according to said awards rule increases with successive visits by said visitor. . . ." because such selection would have provided means *"to automate control of underlying communication operations. . . ."* (see Reed (col. 9, ll. 30-33)), and because such combination would have provided means *"for encourging a customer to go online and visit one or more designated [I]nternet sites. . . ."* (see Leason (col. 2, ll. 30-33)), and such selection would have provided "*a method in which rewards are distributed to players with a code that permits them to validate the reward online, and if the reward is in the form of access to otherwise restricted [Internet] sites or services, to redeem the reward online."* (See Leason (col. 2, ll. 1-6)).

As per claim 8, Leason in view of Reed shows the system of claim 1.

Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) in view of Reed (col. 6, ll. 48-67; col. 7, ll. 1-10; col. 78, ll. 25-67; col. 82, ll. 36; the ABSTRACT; FIG. 1; FIG. 3; FIG. 7; FIG. 11; FIG. 15; FIG. 20; FIG. 34A; and FIG. 35) shows elements that suggest the elements and limitations of claim 8.

Leason lacks an explicit recitation of "wherein said promotion award is credited to a purchase price of a purchase by said customer. . . ."even though Leason in view of Reed suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) in view of Reed (col. 6, ll. 48-67; col. 7, ll. 1-10; col. 78, ll. 25-67; col. 82, ll. 36; the ABSTRACT; FIG. 1; FIG. 3; FIG. 7; FIG. 11; FIG. 15; FIG. 20; FIG. 34A; and FIG. 35) would have been selected in accordance with "wherein said promotion award is credited to a purchase price of a purchase by said customer. . . ." because such selection would have provided means *"to automate control of underlying communication operations. . . ."* (see Reed (col. 9, ll. 30-33)), and because such combination would have provided means *"for encourging a customer to go online and visit one or more designated [I]nternet sites. . . ."* (see Leason (col. 2, ll. 30-33)), and such selection would have provided "*a method in which rewards are distributed to players with a code that permits them to validate the reward online, and if the reward is in the form of access to otherwise restricted [Internet] sites or*

services, to redeem the reward online." (See Leason (col. 2, ll. 1-6)).

As per claim 9, Leason in view of Reed shows the system of claim 1.

Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) in view of Reed (col. 6, ll. 48-67; col. 7, ll. 1-10; col. 78, ll. 25-67; col. 82, ll. 36; the ABSTRACT; FIG. 1; FIG. 3; FIG. 7; FIG. 11; FIG. 15; FIG. 20; FIG. 34A; and FIG. 35) shows elements that suggest the elements and limitations of claim 9.

Leason lacks an explicit recitation of "wherein said apparatus is connected through said connection to the Internet. . . ."even though Leason in view of Reed suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) would have been selected in accordance with "wherein said apparatus is connected through said connection to the Internet. . . ." because such selection would have provided means *"to automate control of underlying communication operations. . . ."* (see Reed (col. 9, ll. 30-33)), and because such combination would have provided means *"for encourging a customer to go online and visit one or more designated [I]nternet sites. . . ."* (see Leason (col. 2, ll. 30-33)), and such selection would have provided "*a method in which rewards are distributed to players with a code that permits them to validate the reward online, and if the reward is*

in the form of access to otherwise restricted [Internet] sites or services, to redeem the reward online." (See Leason (col. 2, ll. 1-6)).

As per claim 10, Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) shows elements that suggest "A method for offering a promotional award to a visitor to an electronic commerce site, comprising the steps of: detecting a site visit by a visitor and keeping track of a number of visits to said site and a number of purchases form said site by individually identified visitors; and; granting a promotional award to said visitor in accordance with award rules pertaining to the number of visits to said site by said visitor and purchases form said site by said visitor; wherein said visitor is motivated to make multiple site visits and a purchase as a result of said promotional award."

Leason lacks an explicit recitation of all of the elements and limitations of claim 10, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same. It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35): *"The present invention is an improvement over conventional promotional games and lotteries in that it provides . . . an incentive to visit a designated [Internet] site or service. . . . The customer is rewarded for visiting the designated [Internet] site(s) with a benefit that can be redeemed. . . .* [or] *awarded with a number of e-points. . . . The e-*

points are exchangeable for limited access to predetermined sites or services on the [Internet]. . . . players validate their e-point awards or register their validation codes. . . . at the time of e-point redemption." would have been selected in accordance with the elements and limitations of claim 10 because such selection would have provided *"an incentive to visit a designated [Internet] site or service. . . . The customer is rewarded for visiting the designated [Internet] site(s) with a benefit that can be redeemed. . . .* [or] *awarded with a number of e-points. . . ."* (see Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35)), and because such selection would have provided means *"for encourging a customer to go online and visit one or more designated [I]nternet sites. . . ."* (see Leason (col. 2, ll. 30-33)), and such selection would have provided "*a method in which rewards are distributed to players with a code that permits them to validate the reward online, and if the reward is in the form of access to otherwise restricted [Internet] sites or services, to redeem the reward online."* (See Leason (col. 2, ll. 1-6)).

As per claim 11, Leason shows the system of claim 10.

Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) shows elements that suggest the elements and limitations of claim 11.

Leason lacks an explicit recitation of "wherein said promotional award increases with each site visit by said visitor. . . ." even though Leason suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) would have been selected in accordance with "wherein said promotional award increases with each site visit by said visitor. . . ." because such selection would have provided means *"for encourging a customer to go online and visit one or more designated [I]nternet sites. . . ."* (see Leason (col. 2, ll. 30-33)), and such selection would have provided "*a method in which rewards are distributed to players with a code that permits them to validate the reward online, and if the reward is in the form of access to otherwise restricted [Internet] sites or services, to redeem the reward online."* (See Leason (col. 2, ll. 1-6)).

As per claim 12, Leason shows the system of claim 10.

Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) shows elements that suggest the elements and limitations of claim 12.

Leason lacks an explicit recitation of "said promotional award increases incrementally with each site visit by said visitor. . . ." even though Leason suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) would have been selected in accordance with "said promotional award increases incrementally with each site visit by

said visitor. . . ." because such selection would have provided means *"for encourging a customer to go online and visit one or more designated [I]nternet sites. . . ."* (see Leason (col. 2, ll. 30-33)), and such selection would have provided "*a method in which rewards are distributed to players with a code that permits them to validate the reward online, and if the reward is in the form of access to otherwise restricted [Internet] sites or services, to redeem the reward online."* (See Leason (col. 2, ll. 1-6)).

As per claim 13, Leason shows the system of claim 10.

Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) shows elements that suggest the elements and limitations of claim 13.

Leason lacks an explicit recitation of "said promotional award is cumulative over successive site visits by said visitor. . . ." even though Leason suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) would have been selected in accordance with "said promotional award is cumulative over successive site visits by said visitor. . . ." because such selection would have provided means *"for encourging a customer to go online and visit one or more designated [I]nternet sites. . . ."* (see Leason (col. 2, ll. 30-33)), and such selection would have provided "*a method in which rewards are distributed to players with a code that permits them to validate the reward online,*

and if the reward is in the form of access to otherwise restricted [Internet] sites or services, to redeem the reward online." (See Leason (col. 2, ll. 1-6)).

As per claim 15, Leason shows the system of claim 10.

Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) shows elements that suggest the elements and limitations of claim 15.

Leason lacks an explicit recitation of "said promotional award is granted to said visitor if said visitor has not exceeded a predetermined promotional award limit. . . ." even though Leason suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) would have been selected in accordance with "said promotional award is granted to said visitor if said visitor has not exceeded a predetermined promotional award limit. . . ." because such selection would have provided means *"for encourging a customer to go online and visit one or more designated [I]nternet sites. . . ."* (see Leason (col. 2, ll. 30-33)), and such selection would have provided "*a method in which rewards are distributed to players with a code that permits them to validate the reward online, and if the reward is in the form of access to otherwise restricted [Internet] sites or services, to redeem the reward online."* (See Leason (col. 2, ll. 1-6)).

As per claim 16, Leason shows the system of claim 10.

Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) shows elements that suggest the elements and limitations of claim 16.

Leason lacks an explicit recitation of "said promotional award is credited to a purchase price of a purchase by said visitor. . . ." even though Leason suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) would have been selected in accordance with "said promotional award is credited to a purchase price of a purchase by said visitor. . . ." because such selection would have provided means *"for encourging a customer to go online and visit one or more designated [I]nternet sites. . . ."* (see Leason (col. 2, ll. 30-33)), and such selection would have provided "*a method in which rewards are distributed to players with a code that permits them to validate the reward online, and if the reward is in the form of access to otherwise restricted [Internet] sites or services, to redeem the reward online."* (See Leason (col. 2, ll. 1-6)).

As per claim 17, Leason shows the system of claim 10.

Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) shows elements that suggest the elements and limitations of claim 17.

Leason lacks an explicit recitation of "said visitor must affirmatively select the promotional award. . . ." even though Leason suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) would have been selected in accordance with "said visitor must affirmatively select the promotional award. . . ." because such selection would have provided means *"for encourging a customer to go online and visit one or more designated [I]nternet sites. . . ."* (see Leason (col. 2, ll. 30-33)), and such selection would have provided *"a method in which rewards are distributed to players with a code that permits them to validate the reward online, and if the reward is in the form of access to otherwise restricted [Internet] sites or services, to redeem the reward online."* (See Leason (col. 2, ll. 1-6)).

As per claim 18, Leason shows the system of claim 10.

Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) shows elements that suggest the elements and limitations of claim 18.

Leason lacks an explicit recitation of "said electronic commerce site is accessed via the Internet. . . ." even though Leason suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9;

col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) would have been selected in accordance with "said electronic commerce site is accessed via the Internet. . . ." because such selection would have provided means *"for encourging a customer to go online and visit one or more designated [I]nternet sites. . . ."* (see Leason (col. 2, ll. 30-33)), and such selection would have provided "*a method in which rewards are distributed to players with a code that permits them to validate the reward online, and if the reward is in the form of access to otherwise restricted [Internet] sites or services, to redeem the reward online."* (See Leason (col. 2, ll. 1-6)).

As per claim 19, Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) shows elements that suggest "A method for offering a promotional award to a visitor of an electronic commerce site, comprising the steps of: detecting a site visit by a visitor and storing information identifying a visitor and identifying propr promotional awards credited to said visitor; determining whether said visitor has already exceeded a predetermined promotional award limit; granting a promotional award to said visitor if said visitor has not exceeded said predetermined promotional award limit and updting the value of said prior credited promotional awards associated with visitor identification information wherein said visitor is motivated to make multiple site visits and a purchase as a result of said promotional award."

Leason lacks an explicit recitation of all of the elements and limitations of claim 19, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col.

2, ll. 30-55; and col. 12, ll. 27-35) suggests same. It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35): *"The present invention is an improvement over conventional promotional games and lotteries in that it provides . . . an incentive to visit a designated [Internet] site or service. . . . The customer is rewarded for visiting the designated [Internet] site(s) with a benefit that can be redeemed. . . .* [or] *awarded with a number of e-points. . . . The e-points are exchangeable for limited access to predetermined sites or services on the [Internet]. . . . players validate their e-point awards or register their validation codes. . . . at the time of e-point redemption."* would have been selected in accordance with the elements and limitations of claim 19 because such selection would have provided *"an incentive to visit a designated [Internet] site or service. . . . The customer is rewarded for visiting the designated [Internet] site(s) with a benefit that can be redeemed. . . .* [or] *awarded with a number of e-points. . . ."* (See Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35)).

As per claim 20, Leason shows the system of claim 19.

Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) shows elements that suggest the elements and limitations of claim 20.

Leason lacks an explicit recitation of "said promotional award increases with each site visit by said visitor. . . ." even though Leason suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) would have been selected in accordance with "said promotional award increases with each site visit by said visitor. . . ." because such selection would have provided means *"for encourging a customer to go online and visit one or more designated [I]nternet sites. . . ."* (see Leason (col. 2, ll. 30-33)), and such selection would have provided "*a method in which rewards are distributed to players with a code that permits them to validate the reward online, and if the reward is in the form of access to otherwise restricted [Internet] sites or services, to redeem the reward online.*" (See Leason (col. 2, ll. 1-6)).

As per claim 21, Leason shows the system of claim 19.

Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) shows elements that suggest the elements and limitations of claim 21.

Leason lacks an explicit recitation of "said promotional award increases incrementally with each site visit by said visitor. . . ." even though Leason suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9;

col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) would have been selected in accordance with "said promotional award increases incrementally with each site visit by said visitor. . . ." because such selection would have provided means *"for encourging a customer to go online and visit one or more designated [I]nternet sites. . . ."* (see Leason (col. 2, ll. 30-33)), and such selection would have provided "*a method in which rewards are distributed to players with a code that permits them to validate the reward online, and if the reward is in the form of access to otherwise restricted [Internet] sites or services, to redeem the reward online."* (See Leason (col. 2, ll. 1-6)).

As per claim 23, Leason shows the system of claim 19.

Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) shows elements that suggest the elements and limitations of claim 23.

Leason lacks an explicit recitation of "said visitor must affirmatively select the promotional award. . . ." even though Leason suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) would have been selected in accordance with "said visitor must affirmatively select the promotional award. . . ." because such selection would have provided means *"for encourging a customer to go online and visit one or more designated [I]nternet sites. . . ."* (see Leason (col. 2, ll. 30-

33)), and such selection would have provided "*a method in which rewards are distributed to players with a code that permits them to validate the reward online, and if the reward is in the form of access to otherwise restricted [Internet] sites or services, to redeem the reward online.*" (See Leason (col. 2, ll. 1-6)).

As per claim 24, Leason shows the system of claim 19.

Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) shows elements that suggest the elements and limitations of claim 24.

Leason lacks an explicit recitation of "said promotional award is credited to a purchase price if said visitor makes a purchase. . . ." even though Leason suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) would have been selected in accordance with "said promotional award is credited to a purchase price if said visitor makes a purchase. . . ." because such selection would have provided means *"for encourging a customer to go online and visit one or more designated [I]nternet sites. . . ."* (see Leason (col. 2, ll. 30-33)), and such selection would have provided "*a method in which rewards are distributed to players with a code that permits them to validate the reward online, and if the reward is in the form of access to otherwise restricted [Internet] sites or services, to redeem the reward online.*" (See Leason (col. 2,

ll. 1-6)).

As per claim 25, Leason shows the system of claim 19.

Leason lacks an explicit recitation of the elements and limitations of claim 25, even though Leason (the ABSTRACT; FIG. 3; FIG. 5; col. 1, ll. 5-9; col. 2, ll. 1-19; col. 2, ll. 30-55; and col. 12, ll. 27-35) suggests same. It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Leason (the ABSTRACT; FIG. 3; col. 2, ll. 1-56; and col. 12, ll. 27-35) would have been selected in accordance with "said electronic commerce site is accessed via the Internet. . . ." because such Internet connection would have provided *"a method in which rewards are distributed to players with a code that permits them to validate the reward online, and if the reward is in the form of access to otherwise restricted [Internet] sites or services, to redeem the reward online. . . ."* (see Leason (col. 2, ll. 1-6)); and because such selection would have provided means *"for encourging a customer to go online and visit one or more designated [I]nternet sites. . . ."* (see Leason (col. 2, ll. 30-33)).

RESPONSE TO ARGUMENTS

8. The Office thanks Applicant's representative for pointing out that the Leason reference was ommitted from form PTO -892. Said form has been updated.

9. Applicant's arguments (Amendment A, paper#6, filed 04/23/2002) concerning the

obviousness rejections in the prior Office Action have been considered but are not persuasive for the following reasons:

Applicant's Response (Amendment A, REMARKS, paper#6, pages 4-5) asserts that "the teachings, suggestions and disclosure missing from Leason that would be required to achieve the claimed invention cannot properly be provided by the Examiner in the form of 'Official Notice.' The teachings, suggestions and motivations necessary to arrive at a claimed invention instead must come from the prior art in order to render a claim unpatentable." This traversal is inadequate.

It is well settled in the law that, "Applicant must seasonably challenge well known statements and statements based on personal knowledge when they are made. . . . A challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice. . . . If [A]pplicant does not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art. *In re Chevenard*, 139 F.2d 71, 60 USPQ 239 (CCPA 1943). A seasonable challenge constitutes a demand for evidence made as soon as practicable during prosecution. Thus, [A]pplicant is charged with rebutting the well known statement in the next reply after the Office action in which the well known statement was made " (See MPEP 2144.03 Reliance on Common Knowledge in the Art or 'Well Known' Prior Art 8 ed., August 2001, pp. 2100-129 and 2100-130).

In this instance, Applicant's Response (Amendment A, REMARKS, paper#6,

pages 4-5) fails to demand a reference in support of the Official Notice evidence cited by the Examiner in the prior Office action concerning the obviousness rejection of claim 1. Furthermore, Applicant's Response lacks adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the Official Notice and thereby fails to seasonably challenge the Official Notice rejections of the instant invention.

Therefore, the well known Officially Noted statement concerning the obviousness rejections of the claims are taken to be admitted prior art, and no further reference is required to be presented by the Examiner in support of the Official Notice evidence relied upon in the obviousness rejections of the claims of the instant invention in the prior Office Action.

THIS ACTION IS MADE FINAL.

New grounds of rejection in this Office Action are necessitated by Applicant's amendment. Accordingly, THIS ACTION IS MADE FINAL. See MPEP 2144.03 and MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

CONCLUSION

10. Any response to this action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The Examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

John L. Young
Patent Examiner

June 27, 2002

MELANIE A. KEMPER
PRIMARY EXAMINER